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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **STATE OF WASHINGTON**

7 IN THE MATTER OF THE
8 ENFORCEMENT ACTION AGAINST:

PDC CASE NO. 00-884

9 FINAL ORDER

10 Gary Toothaker, Superintendent
Mukilteo School District No. 6,

11 Respondent.

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13 The Washington State Public Disclosure Commission (Commission) conducted an
14 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on May
15 22, 2001.

16 The Commission conducted the hearing to consider the stipulation between the parties
17 as to facts, violations and penalty, and to consider whether violations occurred and whether the
18 recommended penalty should be assessed.

19 The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol
20 Way South, in Olympia, Washington. The Respondent appeared for the hearing through G.
21 Douglas Ferguson, Attorney. The Staff appeared through F. Neil Gorrell, Assistant Attorney
22 General.

23 The Commission heard oral argument. The Commission considered the Report of
24 Investigation, Notice of Administrative Charges and the Stipulation as to Facts, Violations and
25 Penalty dated May 22, 2001.

1 The parties stipulated that the Notice of Administrative Charges issued on April 30,
2 2001 contained accurate statements of fact. The parties further stipulated that based upon the
3 facts contained within the Notice of Administrative Charges, the Commission would likely
4 find multiple violations of RCW 42.17.130. The parties jointly recommended a proposed
5 penalty of \$7,000.00.

6 Based on this record, THE COMMISSION ACCEPTS THE STIPULATED FACTS,
7 VIOLATIONS AND PENALTY. THE COMMISSION ORDERS that the Respondent has
8 committed multiple violations of RCW 42.17.130.

9 THE COMMISSION FURTHER ASSESSES a total civil penalty of \$7,000.00 against
10 the Respondent. No portion of this penalty may be satisfied with public funds. The
11 Commission suspends \$2,000.00 of this penalty, unless the Respondent is found to have
12 violated any provision of chapter 42.17 within four years from the date this order is entered.

13 The Respondent shall pay the non-suspended portion of the penalty within 60 days
14 from the date this order is entered.

15 Any party may ask the Commission to reconsider this final order. Parties must place
16 their requests for reconsideration in writing, include the specific grounds or reasons for the
17 request, and deliver the request to the Public Disclosure Commission Offices within 10 days of
18 the date that the Commission serves this order upon the party.

19 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
20 Commission is subject to judicial review under the Administrative Procedures Act, chapter
21 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with
22 the superior court in Thurston County or the petitioner's county of residence or principal place
23 of business. The petition for judicial review must be served on the Public Disclosure
24 Commission and any other parties within 30 days of the date that the Public Disclosure
25 Commission serves this final order on the parties.

1 If reconsideration is properly sought, the petition for judicial review must be served on
2 the Public Disclosure Commission and any other parties within 30 days after the Commission
3 acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the Public Disclosure
4 Commission is deemed to have denied the petition for reconsideration if, within twenty days
5 from the date the petition is filed, the agency does not either dispose of the petition or serve the
6 parties with written notice specifying the date by which it will act on the petition. Pursuant to
7 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to
8 reconsider the final order before seeking judicial review by a superior court.

9 The Commission will seek to enforce this final order in superior court under RCW
10 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and
11 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
12 taken without further order by the Commission.

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15 DATED THIS 31st of May, 2001.

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17 FOR THE COMMISSION:

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20 VICKI RIPPIE, Executive Director
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